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In re Application of:  
Fastrez et al.  
Serial No.: 08/978,607  
Filed: November 26, 1997  
Attorney Docket No.: 370068-9650

DECISION ON PETITION TO  
WITHDRAW THE HOLDING  
OF ABANDONMENT


This is in response to applicants' petition under 37 CFR. § 1.181(a) and MPEP 711.03(c) filed on May 6, 2004, requesting withdrawal of the holding of abandonment based on the timely filing of a response to the Office action mailed April 1, 2003.

A review of the file history shows that the examiner mailed a final Office action to applicants on April 1, 2003, setting a three month statutory time period for reply. On April 16, 2004 the examiner mailed a notice of abandonment for failure to respond to the outstanding Office action.

Applicants state that a petition for another two months extension of time (a one month extension having previously been filed) and a Notice of Appeal were timely filed on September 30, 2003, as evidenced by the properly executed Certificate of First Class Mailing on the reply. Applicants provide a copy of the notice of appeal and the request for another two month extension with the petition. The petition meets all of the requirements set forth in 37 CFR § 1.10(e). In view of this evidence, applicants are considered to have submitted a timely reply.

Applicants' petition is **GRANTED**. The application is restored to pending status with the mailing date of this decision. Applicants' Appeal Brief is due two months from the mailing date of this decision in accordance with 37 C.F.R. § 1.192.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

  
Bruce Kisliuk  
Director, Technology Center 1600